

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

RICHARD MICHAEL MILLER,

Plaintiff,

v.

Case No. 8:22-cv-438-VMC-JBT

COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Joel B. Toomey's Report and Recommendation (Doc. # 33), entered on April 13, 2023, recommending that Plaintiff's Petition for EAJA Fees Pursuant to 28 U.S.C. § 2412(d) (Doc. # 26) be granted in part and denied in part. No objections have been filed, and the time for filing objections has lapsed.

The Court accepts and adopts the Report and Recommendation, grants the Motion in part, and awards Plaintiff \$7,520.89 in attorney's fees.

Discussion

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and

recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendation. 28 U.S.C. § 636(b)(1)(C). If a party files a timely and specific objection to a finding of fact by the magistrate judge, the district court must conduct a *de novo* review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).


After conducting a careful and complete review of the findings, conclusions, and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the Magistrate Judge.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 33) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's Petition for EAJA Fees Pursuant to 28 U.S.C. § 2412(d) (Doc. # 26) is **GRANTED** in part and **DENIED** in part.
- (3) The Clerk is directed to enter judgment in favor of Plaintiff and against Defendant in the amount of \$7,520.89 in attorney's fees.
- (4) The Commissioner will determine whether Plaintiff owes a debt to the government. If the United States Department of the Treasury determines that Plaintiff does not owe such a debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 28th day of April, 2023.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE